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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 X CORP.,

18 Plaintiff,

19 v.

20 BRIGHT DATA LTD.,

21 Defendant.

22 Case No. 3:23-CV-03698-WHA
23 Hon. William H. Alsup
24 Courtroom 12 – 19th Floor
25 March 28, 2024, 8:00 a.m.

26 **BRIGHT DATA'S STATEMENT OF RECENT DECISION**

27 Bright Data submits this Statement of Recent Decision concerning the Supreme Court's
28 decision yesterday in *Wilkinson v. Garland*, 2024 WL 1160995 (Mar. 19, 2024). (Attached Ex.

1). In opposition to Bright Data's motion for interlocutory appeal, X argues that the interpretation
2 and application of Shopify is not a "question of law," for purposes of Section 1292(b), but rather
3 "a mixed question of law and fact ... by itself is not appropriate for permissive interlocutory
4 review." ECF 74 at 3. In *Wilkinson*, however, the Supreme Court held where a statute limited
5 appellate jurisdiction to "questions of law", 8 U.S.C. 1252(a)(2)(D), that "[m]ixed questions of

1 law and fact, even when they are primarily factual, fall within the statutory definition of ‘questions
2 of law.’” 2024 WL 1160995, at *9. *Wilkinson*, therefore, disposes of X’s argument.

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4 Dated: March 20, 2024

Respectfully submitted,

5 /s/ Colin R. Kass

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